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Public Utility Commission of Texas

Memorandum



To: Chairman DeAnn T. Walker
Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

From: Thomas J. Gleeson, Executive Director

Date: February 19, 2021

Re: Project No. 51812, *Issues Related to the State of Disaster for the February 2021 Winter Weather Event*

On February 12, 2021, pursuant to Texas Government Code § 418.014, in response to an extreme winter weather event, Governor Greg Abbott issued a Declaration of a State of Disaster for all counties in Texas. Further, on February 15, 2021, the Electric Reliability Council of Texas, Inc. (ERCOT) declared its highest state of emergency, an Energy Emergency Alert Level 3 (EEA3), due to exceptionally high electric demand exceeding supply.

Commission Staff will utilize enforcement discretion where rule or protocol requirements conflict with recovery from the emergency conditions experienced since February 15, 2021.

Specifically:

- If an entity was deployed as a load resource during Energy Emergency Alert Level 2 (EEA2) on Monday February 15, 2021, then resumed operations because it was providing a critical service or product, then enforcement discretion will be exercised.
- If an entity was deployed as a load resource on Monday February 15, 2021 and remained deployed until ERCOT recall, but was unable to restore operations within three hours due to damage or lack of essential products, then enforcement discretion will be exercised.

If a regulated entity experiences specific problems with compliance, it should reach out to the Commission's Legal Division.